

# EXHIBIT A

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Peter J. Cresci, Esq. (PC7693)  
CRESCI LAW FIRM  
PO Box 74, 830 Avenue A  
Bayonne, New Jersey 07002-0074  
(201) 436-4126 Tel.  
Attorneys for the Plaintiff

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

STACIE PERCELLA,

**PLAINTIFF.**

V.

**CAUSE NO.**

CITY OF BAYONNE, JOSEPH  
WAKS, Individually, and RICHARD  
CENSULLO, Individually.

## DEFENDANTS

PLAINTIFF'S ORIGINAL COMPLAINT

**TO THE HONORABLE JUDGE OF SAID COURT.**

1. COMES NOW, Stacie Percella, Plaintiff in the above entitled lawsuit, and states the following as his complaint against the Defendant, City of Bayonne.

## I PARTIES

2. Plaintiff, Stacie Percella, is an individual who is a citizen of the State of New Jersey and resides in Bayonne, New Jersey.

3. Defendant City of Bayonne is a Municipality organized under the laws of the State of New Jersey and may be served with process by serving a copy of the Summons and Complaint to: City Clerk, 630 Avenue C, Bayonne, New Jersey 07002

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Defendant Joseph Waks is an individual resident of State of New Jersey and may be served with process by serving a copy of the Summons and Complaint to: 40 Avenue B, Bayonne, New Jersey 07002.

Defendant Richard Censullo is an individual resident of State of New Jersey and may be served with process by serving a copy of the Summons and Complaint to: 1457 48<sup>th</sup> Street, North Bergen, New Jersey 07047.

## II. JURISDICTION

4. The Court has jurisdiction over the lawsuit, according to 28 U.S.C. §1331, because this action arises under 28 U.S.C. §1331, as this action is pled under the First Amendment of the U.S. Constitution, 42 U.S.C. §1983 for reprisal for free speech, and conspiracy to violate civil rights of Plaintiff and retaliate against Plaintiff by Defendant under the Civil Rights Act of 42 U.S.C § 1983.

## III. EXHAUSTION OF ADMINISTRATIVE PROCEDURES

5. All administrative procedures have been exhausted.

## IV. STATEMENT OF FACTS

6. Plaintiff Stacie Percella is a longtime employee of the Defendant City of Bayonne.

7. Defendant Joseph Waks continues to discriminate, sexually harass, retaliate against, and create a hostile work environment for the plaintiff.

8. Defendant Richard Censullo continues to discriminate, sexually harass, retaliate against, and create a hostile work environment for the plaintiff.

9. Plaintiff has made several complaints to City of Bayonne regarding the harassing treatment and each time a complaint was made, Plaintiff was retaliated against with adverse employment actions, including suspensions without pay.

10. Defendant City of Bayonne has failed to follow its own directives and

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regulations with regard to discrimination and harassment in the workplace.

11. In furtherance of the unfair and biased treatment that Plaintiff endures, Plaintiff suffers financially, professionally, and emotionally.

**V. STATEMENT OF CLAIMS**

**A. THE CIVIL RIGHTS ACT OF 42 U.S.C. §1983.**

12. Plaintiff hereby re-alleges and incorporates ever allegation set forth in this Complaint as if fully set forth herein. This cause of action is pled against Defendants City of Bayonne, Waks and Censullo.

13. Plaintiff is a public employee of the City of Bayonne. The Defendants deprived Plaintiff of her rights under the First Amendment of the United States Constitution in violation of 42 U.S.C. §1983 by failing to take action and retaliating against the Plaintiff.

14. During Plaintiff's employment, Defendants attempted to wrongfully punish plaintiff because she spoke out against the illegal requests from Defendants' supervisors, among other protected forms of speech. Defendants retaliated against the Plaintiff for speaking out on numerous occasions. Further, Plaintiff would not perform illegal functions which the Defendant City of Bayonne asked her to perform.

15. Because of the Plaintiff's objections, she has suffered, and continues to suffer, adverse employment actions.

WHEREFORE, plaintiff Stacie Percella demands judgment against the defendant City of Bayonne for damages, together with interest and costs of suit.

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B. NEW JERSEY LAW AGAINST DISCRIMINATION, N.J.S.A. 10:5, et seq.

Discrimination & Harassment

16. Plaintiff hereby re-alleges and incorporates ever allegation set forth in this Complaint as if fully set forth herein. This cause of action is pled against Defendants City of Bayonne, Waks and Censullo.

17. Plaintiff belongs to a class protected under the NJLAD (New Jersey Law Against Discrimination), *N.J.S.A. §10:5 et seq.*, by virtue of her gender.

18. Defendant, City of Bayonne, is an employer within the meaning of the NJLAD, and as such was prohibited from discriminating in employment on the basis of gender. At all times pertinent to this lawsuit, the plaintiff was an employee as defined under the New Jersey Law Against Discrimination.

19. Defendant participated in an unlawful employment practice when it discriminated against the Plaintiff in her employment due to her gender. Defendant City of Bayonne was in violation of the NJLAD when Defendant intentionally discriminated against Plaintiff by neglecting to enforce anti-hostile environment harassment policies.

20. Plaintiff is entitled to compensatory and punitive damages, as well as attorney's fees for the violations of the NJLAD.

WHEREFORE, plaintiff Stacie Percella demands judgment against the defendant City of Bayonne, Joseph Waks and Richard Censullo for damages, together with interest and costs of suit.

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**Hostile Work Environment**

21. Plaintiff hereby re-alleges and incorporates ever allegation set forth in this Complaint as if fully set forth herein. This cause of action is pled against Defendants City of Bayonne, Waks and Censullo.

22. Plaintiff belongs to a class protected under the NJLAD (New Jersey Law Against Discrimination), *N.J.S.A. §10:5 et seq.*, by virtue of her gender. The NJLAD prohibits sexual harassment.

23. Defendant, City of Bayonne, is an employer within the meaning of the NJLAD, and as such was prohibited from discriminating in employment on the basis of gender. At all times pertinent to this lawsuit, the plaintiff was an employee as defined under the New Jersey Law Against Discrimination.

24. The harassment to which Plaintiff was subject was sufficiently severe or pervasive that a reasonable person would have deemed it to be hostile, abusive, intimidating, or offensive

25. The harassment would not have occurred but for plaintiff's gender.

26. The aforementioned constituted a hostile work environment.

27. Although plaintiff complained about harassment by Joseph Waks and Richard Censullo, and availed herself of the employer-provided avenue for handling harassment complaints, Defendant City of Bayonne failed to take appropriate measures.

28. Defendant City of Bayonne's above-described actions constitute unlawful employment actions in violation of NJLAD including, *inter alia*, N.J.S.A. § 10:5-12a.

30. As a direct and proximate result of defendants' discriminatory actions, plaintiff has suffered economic and emotional damages.

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29. Plaintiff is entitled to compensatory and punitive damages, as well as attorney's fees for the violations of the NJLAD.

WHEREFORE, plaintiff Stacie Percella demands judgment against the defendant City of Bayonne, Joseph Waks and Richard Censullo for damages, together with interest and costs of suit.

Retaliation

30. Plaintiff hereby repeats and realleges all of the allegations set forth above as if set forth at length herein.

31. In objecting to the harassment by Defendants Waks and Censullo, plaintiff engaged in an activity that is protected under the NJLAD ("the Protected Activity").

32. As a direct result of the Protected Activity, plaintiff was subject to adverse employment actions, including suspensions without pay.

33. The Retaliation was an unlawful employment action taken in violation of the NJLAD.

WHEREFORE, plaintiff Stacie Percella demands judgment against the defendant City of Bayonne, Joseph Waks and Richard Censullo for damages, together with interest and costs of suit.

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**C. COMMON LAW CLAIMS**

**Tortious Interference with Contract**

**Against Richard Censullo**

34. Plaintiff hereby repeats and realleges all of the allegations set forth above as if set forth at length herein.

35. An employment contract existed between the Plaintiff and Defendant City of Bayonne.

36. Defendant Richard Censullo knew of the existence of this contract.

37. Defendant Censullo intentionally and, with malice towards Plaintiff, induced her employer, City of Bayonne, to breach his contractual obligations.

38. As a result of the breach, Plaintiff has incurred damages, which include, but are not limited to, pecuniary loss.

39. Plaintiff Cenzullo is therefore liable for the tort of tortuous interference with a contract.

40. Plaintiff Censullo is also liable for punitive damages.

WHEREFORE, plaintiff Stacie Percella demands judgment against the defendant City of Bayonne, Joseph Waks and Richard Censullo for damages, together with interest and costs of suit.

**VI. JURY DEMAND**

41. Plaintiff hereby demands a trial by jury of her peers.

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VII. PRAYER

42. WHEREFORE, Plaintiff, Stacie Percella, requests judgment against Defendants, City of Bayonne, Joseph Waks and Richard Censullo:

- a. Presentation of a workplace free from retaliation from co-workers, supervisors, and management;
- b. Compensatory damages to compensate for the humiliation, embarrassment, mental anguish and emotional distress Plaintiff endured both at work and outside of work, in the amount of \$450,000.00;
- c. Damages for loss of income, back pay, front pay, pension contributions, out of pocket expenses;
- d. Attorneys fees, costs and expenses incurred as a result of the Defendants' acts, as provided for by Civil Rights Act, NJLAD, and other applicable statutes;
- e. Any and all other general or specific relief, both at law and in equity, to which Plaintiff may be justly entitled;

Respectfully submitted,

**CRESCI LAW FIRM, LLC**  
PO Box 74, 830 Avenue A  
Bayonne, New Jersey 07002-0074  
Telephone: (201) 436-4126/4127  
Telecopier: (201) 436-9220

By: Peter J. Cresci, Esq. /s  
**PETER J. CRESCI, ESQ. (PJC 7693)**  
ATTORNEYS FOR PLAINTIFF

JS 44 (Rev. 12/07) JS-706  
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The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

Stacie Percella

(b) County of Residence of First Listed Plaintiff Hudson

(c) Attorney's (Firm Name, Address, Telephone Number and Email Address)

Cresci Law Firm LLC  
830 Avenue A, Bayonne, NJ 07002  
(201) 436-4126  
crescllegal@gmail.com

**DEFENDANTS**

City of Bayonne, Joseph Waks, Individually, and Richard Censullo, Individually

County of Residence of First Listed Defendant Hudson

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State	<input type="checkbox"/> PTF	<input type="checkbox"/> DEF	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> PTF	<input type="checkbox"/> DEF
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FOREFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>		<input type="checkbox"/> 400 State Apportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 410 Antitrust	
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 430 Banks and Banking	
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 450 Commerce	
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 460 Deportation	
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 480 Consumer Credit	
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage	<input type="checkbox"/> 490 Cable/Sat TV	
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 390 Other Product Liability	<input type="checkbox"/> 510 Selective Service	
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury		<input type="checkbox"/> 850 Securities/Commodities Exchange	
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 875 Customer Challenge 12 USC 3410	
<input type="checkbox"/> 196 Franchise			<input type="checkbox"/> 890 Other Statutory Actions	
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	SOCIAL SECURITY	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 861 HIA (1950)	
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 515 Habeas Corpus: Accommodations	<input type="checkbox"/> 862 Black Lung (923)	
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input checked="" type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 863 DIFWC/DIWUW (405(g))	
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 864 SSDI Title XVI	
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 865 RSI (405(j))	
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 550 Civil Rights		
	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 555 Prison Condition		
<b>PROPERTY RIGHTS</b>				
			<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
			<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
			<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	
			<input type="checkbox"/> 740 Railway Labor Act	
			<input type="checkbox"/> 790 Other Labor Litigation	
			<input type="checkbox"/> 791 Emp'l. Ret. Inc. Security Act	
<b>IMMIGRATION</b>				
			<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 892 Economic Stabilization Act
			<input type="checkbox"/> 463 Habeas Corpus - Alien Detainee	<input type="checkbox"/> 893 Environmental Matters
			<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 894 Energy Allocation Act
				<input type="checkbox"/> 895 Freedom of Information Act
				<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
				<input type="checkbox"/> 950 Constitutionality of State Statutes
<b>FEDERAL TAX SUITS</b>				

**V. ORIGIN**

(Place an "X" in One Box Only)

1 Original Proceeding  2 Removed from State Court  3 Remanded from Appellate Court  4 Reinstated or Reopened  5 Transferred from another district (specify)  6 Multidistrict Litigation

Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**

Check the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity).

Brief description of cause: Plaintiff was discriminated against for exercising free speech and sexually harassed due to her gender.

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:  
JURY DEMAND:  Yes  No

**VIII. RELATED CASE(S)**

(See instructions):

JUDGE

DOCKET NUMBER

Explanation:

DATE

SIGNATURE OF ATTORNEY OF RECORD

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 JS 44 Reverse (Rev. 12/07, NJ 12/08)

### INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

#### Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

**I.** (a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

**II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1335 and 1338. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box. Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the

Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

**III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

**IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

**V. Origin.** Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C. Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

**VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. Do not cite jurisdictional statutes unless diversity. Example: U.S. Civil Statute: 47 USC 553  
 Brief Description: Unauthorized reception of cable service

**VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.C.V.P.  
 Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

**VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases. Provide a brief explanation of why the cases are related.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

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RETURN OF SERVICE		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE	<u>October 7, 2014</u>
NAME OF SERVER (PRINT)	TITLE	
<u>Daniel Cresci</u>	<u>Process Server</u>	
<i>Check one box below to indicate appropriate method of service</i>		
<p><input checked="" type="checkbox"/> Served personally upon the defendant. Place where served: <u>Bayonne City Hall, Clerk 630 Avenue C, Bayonne NJ 07002</u></p> <p><input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.</p> <p>Name of person with whom the summons and complaint were left: _____</p> <p>Returned unexecuted: _____</p> <p>Other (specify): _____</p>		
STATEMENT OF SERVICE FEES		
TRAVEL _____	SERVICES _____	TOTAL <u>\$50.00</u>
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on <u>10-07-14</u> Date <u>_____ Signature of Server</u></p> <p><u>830 Avenue A, Bayonne NJ 07002</u> <i>Address of Server</i></p>		